

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL PINEIDA,
Plaintiff,

v.

CHARLES D. LEE, et al.,
Defendants.

Case No. 12-cv-01171-JST (PR)

**ORDER REFERRING MATTER TO
FEDERAL PRO BONO PROJECT AND
STAYING PROCEEDINGS PENDING
APPOINTMENT OF COUNSEL**

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 asserting that defendants at Salinas Valley State Prison ("SVSP") denied him adequate medical treatment for his ulcerative colitis, or delayed in providing that treatment. On June 3, 2013, the Court entered an order granting in part and denying in part defendants' motion to dismiss and directing defendants to file a motion for summary judgment. The Court also dismissed defendant Dr. Carl Millner from the action, pursuant to Fed. R. Civ. P. 4(m), noting that two attempts to serve Dr. Millner had been unsuccessful and that plaintiff had not been able to provide a current address for said defendant.

By order filed October 24, 2013, the Court granted plaintiff's request for assistance in locating Dr. Millner and directed the SVSP Litigation Coordinator to provide to the Court, under seal, any forwarding address information and last known address available with respect to Dr. Millner. On November 18, 2013, the SVSP Litigation Coordinator sent the Court a letter stating that SVSP had no contact information in its record for Dr. Millner. The Court notes that, according to the complaint in this action, Dr. Millner was one of plaintiff's primary medical care providers at SVSP. It therefore appears that plaintiff is in need of counsel to assist him in locating Dr. Millner.

Further, defendants filed a motion for summary judgment on December 3, 2013. Upon review of the record and the briefing, the Court has determined that the appointment of pro bono counsel would benefit the Court's review. The Court by this order expresses no opinion as to the merits of this action.

Accordingly, good cause appearing, IT IS ORDERED that plaintiff shall be referred to the Federal Pro Bono Project in the manner set forth below:

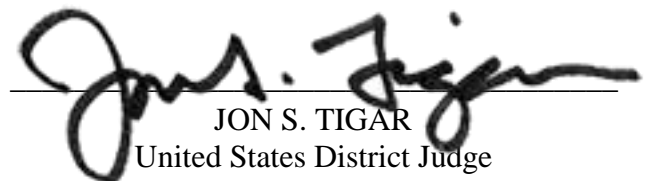
1. The Clerk shall forward to the Federal Pro Bono Project: (a) a copy of this order, (b) a copy of the docket sheet, (c) a copy of the complaint (dkt. no. 1); and (d) a copy of the Court's June 3, 2013 order (dkt. no. 42).

2. Upon an attorney being located to represent plaintiff, that attorney shall be appointed as counsel for plaintiff in this matter until further order of the Court. If volunteer counsel is able to successfully locate and serve defendant Dr. Carl Millner, defendants will be given an opportunity to file replacement or supplemental briefing in support of their motion for summary judgment.

3. All proceedings in this action are stayed until an attorney is appointed to represent plaintiff. Once such attorney is appointed, the Court will schedule a case management conference.

IT IS SO ORDERED.

Dated: December 8, 2013


JON S. TIGAR
United States District Judge